



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,993	12/31/1998	M. HASSAN PIRASTEH	1246-043	4239

7590

08/14/2002

Ria Farrell Schalnet
Frost Brown Todd LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, OH 45202

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,993

Applicant(s)

PIRASTEH ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2645

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-6 and 10-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Bjornberg et al. (US 6,366,658).

Art Unit: 2645

Regarding **claim 1**, Bjornberg discloses a telecommunications network (column 4, lines 7-9) (which reads on claimed "a system for call processing"), comprising:

a bridging switch (102 on FIG. 1) (which reads on claimed "a telephone call receiving switch");

an IVR (FIG. 1) adapted to perform an audio script (column 8, lines 33-41), the IVR in electronic communication with the switch (column 5, lines 63-66);

a application server (306 on FIG. 3B) (which reads on claimed "server computer") in electronic communication with the IVR (column 4, lines 39-43);

a switch network (202 on Fig. 2) (which reads on claimed "network structure") in electronic communication with the IVR and the server (column 4, lines 49-52).

a virtual call router (column 6, line 34) (which reads on claimed "port sharing data interface processing (DIP) program in operation with the IVR"), the program adapted to enable the script to be performed on multiple ports of the IVR (column 6, lines 34-53).

Bjornberg states on column 6, lines 10-17:

A data gateway 332 provides an external interface and customer access to the DAP 312. The DAP 312 includes multiple computers connected via a DAP LAN, and the data gateway 332 is embodied by another computer also connected to the DAP 312 LAN. The DAP 312 is used to perform enhanced call processing, such as load balancing among multiple destinations, time-of-day routing, and numerous other features.

The data access performs the load balancing among multiple destinations, time-of-day routing and other features.

Art Unit: 2645

Regarding **claim 2**, Bjornberg discloses a system, wherein the call processor dynamically allocates scripts to ports (column 8, lines 33-41).

Regarding **claim 3**, Bjornberg discloses a system, wherein the system manages port state before, during, and after a call (column 8, lines 10-21).

Regarding **claim 4**, Bjornberg discloses a system, wherein a single list of DNIS numbers resides at the IVR (column 7, lines 36-48).

Regarding **claim 5**, Bjornberg discloses all the limitations of **claim 5** as stated in **claim 1** rejection.

In addition Bjornberg discloses a plurality of bridging switches (102a, 102b, 102c and 102d on Fig. 4) (which reads on claimed "telephone call receiving switches").

a plurality of multiple port IVR's (104a, 104b, 104c and 104d on FIG. 2).

Regarding **claim 6**, Bjornberg discloses all the limitations of **claim 6** as stated in the rejection of **claim 1**.

In addition Bjornberg discloses a customer premises (321 on FIG. 3A) (which reads on claimed "a PBX");

passing call destination information to the IVR (column 7, lines 11-17);

identifying an application associated with the call destination information (column 7, lines 36-48).

Regarding **claim 10**, Bjornberg discloses all the limitations of **claim 10** as stated on the **claim 1** rejection.

In addition, Bjornberg discloses a database (342 on Fig. 3A) (which reads on claimed "a table") containing a plurality of call destination records associated with a plurality of application (column 7, lines 36-48).

Regarding **claim 11**, Bjornberg discloses a scripter configured to prepare a script responsive to the call origination information (308 on FIG. 3A).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Scherer (US 5,867,562).

Art Unit: 2645

Regarding **claim 7**, Bjornberg as applied to **claim 6** differs from **claim 7** in that it fails to disclose detecting dialed Number, passing and answering the call steps.

However, Scherer teaches detecting dialed Number Identification Service (DNIS) (column 15, lines 64-65) and Automatic Number Identification (ANI) associated with the call (column 15, lines 64-65);

passing the DNIS and ANI out of band to the IVR (column 16, lines 1-6); and answering the call (column 16, lines 7-11).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use detecting dialed Number, passing and answering the call steps of Scherer in the invention of Bjornberg.

The modification of the invention will offer the capability of detecting the call number, passing and answering the calls such as the customer will have the full IVR services.

Art Unit: 2645

Regarding **claim 8**, Bjornberg as applied to **claim 6** differs from **claim 8** in that it fails to disclose associating, storing and looking up the call steps.

However, Scherer teaches associating each of a plurality of call destinations to an application (column 16, lines 21-30);

storing the associations (column 17, lines 1-7); and

in response to receiving the call destination information, looking up the call destination in the stored association (column 18, lines 35-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use associating, storing and looking up the call steps of Scherer in the invention of Bjornberg.

The modification of the invention will offer the capability of detecting the call number, passing and answering the calls such as the customer will have the full IVR services.

Regarding **claim 9**, Bjornberg and Scherer as applied to **claim 8** differs from **claim 9** in that it fails to disclose detecting dialed Number, passing and answering the call steps.

However, Scherer teaches detecting dialed Number Identification Service (DNIS) (column 15, lines 64-65) and Automatic Number Identification (ANI) associated with the call (column 15, lines 64-65);

passing the DNIS and ANI out of band to the IVR (column 16, lines 1-6); and
answering the call at the PBX (column 16, lines 7-11).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use detecting dialed Number, passing and answering the call steps of Scherer in the invention of Bjornberg.

The modification of the invention will offer the capability of detecting the call number, passing and answering the calls such as the customer will have the full IVR services.

Art Unit: 2645

Response to Arguments


6. Applicant's arguments with respect to **claims 1-11** have been considered but are moot in view of the new ground(s) of rejection.

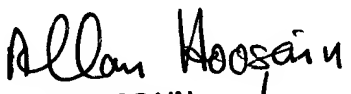
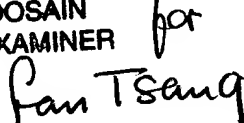
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
August 9, 2002


ALLAN HOOSAIN
PRIMARY EXAMINER
 for